

JESSICA BRIGGS
(Appellee)

v.

H & K STEVENS, INC.
(Appellant)

and

CONTINENTAL CASUALTY CO.
(Insurer)

Argued: May 20, 2015

Decided: June 4, 2015

PANEL MEMBERS: Hearing Officers: Pelletier, Jerome, and Stovall
BY: Hearing Officer Jerome

[¶1] H & K Stevens, Inc., appeals from a decision of a Workers' Compensation Board hearing officer (*Greene, HO*) granting Jessica Briggs's Petitions for Award and for Payment of Medical and Related Services.¹ H & K Stevens asserts that the hearing officer's conclusion that Ms. Briggs gave timely notice pursuant to 39-A M.R.S.A. § 301 (Supp. 2014) lacks a rational foundation in the record. We disagree with this contention. The hearing officer's conclusion that Ms. Briggs gave timely notice after she was no longer operating under a mistake of fact as to the cause and nature of her injury was neither arbitrary nor

¹ The current decision was issued after the Appellate Division remanded the case to the hearing officer for a determination of the notice issue. *See Briggs v. H & K Stevens, Inc.*, Me. W.C.B. No. 14-24 (App. Div. 2014).

without rational foundation. *See* 39-A M.R.S.A. § 302 (Supp. 2014); *see also* *Jensen v. S.D. Warren Co.*, 2009 ME 35, ¶ 27, 968 A.2d 528. Moreover, the hearing officer’s factual findings and any inferences drawn therefrom are supported by competent evidence in the record. *See Pomerleau v. United Parcel Serv.*, 464 A.2d 206, 209 (Me. 1983); *see also Rugan v. Dole*, 396 A.2d 1003, 1005 (Me. 1979).

The entry is:

The hearing officer’s decision is affirmed.

Any party in interest may request an appeal to the Maine Law Court by filing a copy of this decision with the clerk of the Law Court within twenty days of receipt of this decision and by filing a petition seeking appellate review within twenty days thereafter. 39-A M.R.S.A. § 322 (Supp. 2014).

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